

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## OSCAR ART STANLEY,

Plaintiff,

V.

STATE OF NEVADA, et al.,

### Defendants.

Case No.: 2:22-cv-01130-APG-BNW

## **DISTRICT COURT'S RESPONSE TO NINTH CIRCUIT'S REFERRAL NOTICE**

The Ninth Circuit Court of Appeals has referred to me the question whether Mr.

Stanley's *in forma pauperis* status should continue for his appeal or whether the appeal is

frivolous or taken in bad faith. The appeal appears to me to be frivolous because the defendants

<sup>11</sup> are immune from suit and Stanley's claims are barred by *Heck v. Humphrey*, 512 U.S. 477

<sup>12</sup> (1994). Whether that is a sufficient basis to revoke in forma pauperis status under of 18 U.S.C.

<sup>13</sup> § 1915(a)(3), I leave to the court of appeals to decide. Cf. *Hooker v. American Airlines*, 302 F.3d

14 || 1091 (9th Cir. 2002)

This response is directed to the Ninth Circuit under Federal Rule of Appellate Procedure

<sup>16</sup> 24(a)(3)(A). The clerk of court shall serve this response upon the parties and the Ninth Circuit.

DATED THIS 14th day of December, 2022

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**UNITED STATES DISTRICT JUDGE**